

AMENDED IN SENATE AUGUST 27, 2007

AMENDED IN SENATE AUGUST 1, 2007

AMENDED IN SENATE JUNE 25, 2007

AMENDED IN ASSEMBLY JUNE 1, 2007

AMENDED IN ASSEMBLY MAY 17, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 706

Introduced by Assembly Member Leno

(Coauthors: Assembly Members Bass, Berg, Brownley, DeSaulnier, Hancock, Hayashi, Huffman, Jones, Lieber, Ruskin, and Swanson)

February 22, 2007

An act to amend Sections 125.9, 19161, and 19161.3 of, and to add Section 19161.7 to, the Business and Professions Code, relating to fire retardants.

LEGISLATIVE COUNSEL'S DIGEST

AB 706, as amended, Leno. Fire retardants: toxic effects.

Existing law makes various findings related to the toxicity of certain fire retardants containing chemicals known as brominated fire retardants (BFRs) and chlorinated fire retardants (CFRs), and prohibits a person from manufacturing, processing, or distributing a flame-retardant part of a product containing more than one-tenth of 1% of prescribed retardants.

This bill would revise and extend the findings relating to fire retardants, and would, commencing January 1, 2010, require all seating, bedding, and furniture products to comply with certain requirements, including that they not contain brominated fire retardants or chlorinated fire retardants, ~~as defined~~ *except as specified*, and be labeled as prescribed.

Existing law, the Home Furnishings and Thermal Insulation Act, requires all mattresses and box springs manufactured for sale in this state to be fire retardant, as defined to meet the federal standards for resistance to open-flame test, and authorizes the Bureau of Home Furnishings and Thermal Insulation to adopt regulations to implement those standards. Existing law also requires other bedding products to comply with regulations adopted by the bureau specifying that those products be resistant to open-flame ignition.

This bill, commencing January 1, 2010, would require the bureau to modify its standards for prescribed bedding products sold or offered for sale in this state, including, but not limited to, the requirement that they not contain brominated fire retardants or chlorinated fire retardants. The bill would require the Office of Environmental Health Hazard Assessment to review human, animal, or environmental health risk assessments of a component or chemical used to meet fire retardancy standards set by the bureau if specified conditions are met, and would set forth notice and procedural requirements for the review of the risk assessment. The bill would require the office to provide a report to the bureau of its conclusions and recommendations regarding the health risks of the component or chemical and to electronically post the report. The bill would require the bureau, upon receipt of the report, to determine if the health risk warrants a prohibition or limitation of the use of the component or chemical, as specified.

The bill would make a related change involving the assessment of administrative fines pursuant to the Home Furnishings and Thermal Insulation Act.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 ~~“California~~ “Crystal Golden-Jefferson Furniture Safety and Fire
- 3 Prevention Act.”

SEC. 2. The Legislature finds and declares all of the following:

~~(a) Chemicals known as brominated fire retardants (BFRs) and chlorinated fire retardants (CFRs) are widely used in California. To meet stringent fire safety standards, manufacturers add BFRs and CFRs to a multitude of products, including, but not limited to, the flexible polyurethane foam used in commercial, residential, and institutional furniture. On June 1, 2006, two categories of fire retardants known as pentabrominated diphenyl ether (PentaBDE) and octabrominated diphenyl ether (OctaBDE) were banned for use at levels higher than one-tenth of 1 percent in virtually all new products, including the plastic housing of electronics, computers, and circuit boards as a result of legislation enacted in 2003 and 2004.~~

(a) California has been a world leader in fire safety standards for furniture since the early twentieth century. A construction standard for mattresses developed by the California Bureau of Home Furnishings and Thermal Insulation and by the mattress industry has been adopted as a national standard by the United States Consumer Product Safety Commission.

(b) Maintaining or exceeding the current level of fire safety provided by California's furniture standards is important to the safety of our residents and our firefighters. Furniture provides a major fuel source in residential fires and, if ignited, can accelerate the onset of flashover, which is the point at which nearly all combustible material in an enclosed area simultaneously ignites. Preventing or delaying flashover and preventing fires that start in furniture through fire safety standards saves lives. California should continue its leadership in furniture fire prevention and safety.

(c) In recent years research has revealed that some fire retardant chemicals are dangerous to human, animal, and environmental health. Organobromide and organochloride chemicals known as brominated fire retardants (BFRs) and chlorinated fire retardants (CFRs) are widely used in California. To meet our fire safety standards, many manufacturers add BFRs and CFRs to the flexible polyurethane foam used in residential furniture.

~~(b) Many~~

(d) Some fire retardants migrate in air, soil, or water, and accumulate in people's bodies and the environment. For example,

polybrominated diphenyl ether (PBDE), which is a subcategory of BFRs, has increased fortyfold in human breast milk since the 1970s. Women in North America on average have 10 times the levels of women in Europe or Asia. PBDEs have the potential to disrupt thyroid hormone balance and contribute to a variety of developmental deficits, including low intelligence and learning disabilities. PBDEs are structurally similar to dioxin, furans, and polybrominated biphenyls which are known to cause cancer. In addition to California's ban enacted in 2003, PentaBDE and OctaBDE have been banned in several other states and in the European Union.

(e)

(e) According to an American Public Health Association Consensus Resolution, virtually all organochlorides that have been studied exhibit one or more serious toxic effects, including endocrine dysfunction, developmental impairment, birth defects, reproductive dysfunction, immunosuppression, and cancer, often at extremely low doses. Organobromides are known to exhibit even more serious effects. *similar effects, and the American Public Health Association has resolved that the organobromides known as PBDEs should be phased out of all products.*

(f)

(f) Recent studies indicate that BFRs and CFRs have migrated into the environment, and have been detected at high concentrations in fish, as well as marine mammals, including, but not limited to, dolphins and harbor seals, indicating that the chemicals are already bioaccumulating in the food chain and in marine wildlife. Fish and meat consumption are partly responsible for increasing levels of some BFRs and CFRs in humans.

(g)

(g) Apart from toxic effects in humans and animals from direct exposures, these chemical substances have been disposed of in ways that contaminate soils, groundwater, sediment, ambient air, and natural ecosystems. ~~Production and distribution of tens of millions of pounds of these potentially toxic substances represents an ongoing experiment with the health of the people and environment of California without an adequate scientific~~

1 understanding of the long-term consequences of exposure to BFRs
2 and CFRs.

3 (f)

4 (h) According to the federal Centers for Disease Control and
5 Prevention, infants and children are particularly prone to absorb
6 BFRs and CFRs through direct physical or oral contact with these
7 compounds in furniture, inhalation of furniture dust containing
8 BFRs and CFRs, and via ingestion of these substances from their
9 mothers' milk and from their diets.

10 (g)

11 (i) Rates of pediatric health problems, such as leukemia and
12 brain cancer in children, testicular cancer in adolescents, birth
13 defects, and neurodevelopmental disorders, including, but not
14 limited to, dyslexia, mental retardation, attention
15 deficit/hyperactivity disorder (ADHD), and autism, are steadily
16 rising.

17 (h)

18 (j) Over the last 30 years, there have been hundreds of scientific
19 journal articles and reviews citing these and other negative health
20 impacts in people and in animals resulting from exposure to
21 brominated and chlorinated fire retardants.

22 (i) Substantial efforts to eliminate CFRs and BFRs, including,
23 but not limited to, PentaBDE and OctaBDE from products have
24 been made throughout the world, including the private and public
25 sectors. These efforts have made available alternatives safe to
26 human health while meeting fire safety standards.

27 (j) Fire safety education, smoke detectors, building sprinkler
28 systems, decreasing numbers of smokers, and mandated "fire-safe"
29 cigarettes with lower ignition propensity have greatly reduced the
30 fire risk posed by furniture and mattresses.

31 (k) In order to protect the public health, worker safety, wildlife,
32 and the environment, the Legislature believes it is necessary for
33 the state to prohibit the use of chlorinated and brominated fire
34 retardants in applications, including, but not limited to, commercial,
35 residential, and institutional furniture, mattresses, box springs,
36 futons, and bedding products including pillows, comforters, and
37 other filled blanket products, where the probability of human
38 exposure and improper disposal are high, especially if there are
39 technologically and economically feasible alternatives that can
40 maintain similar or superior fire retardancy. For these and other

1 reasons, in 2003 the Legislature asserted that it is necessary for
2 the state to develop a precautionary approach regarding the
3 production, use, storage, and disposal of products containing two
4 specific BFRs. The Legislature hereby expands its concern to
5 include all BFRs and CFRs in furniture, mattresses, and bedding.

6 *(k) Utilizing existing technologies in both chemical fire*
7 *retardants and in construction techniques, the mattress and*
8 *institutional furniture industries have achieved a higher level of*
9 *fire safety without the use of BFRs and CFRs. Updating California*
10 *statute and regulation will enable the residential furniture industry*
11 *to do the same.*

12 *(l) A 2003 study at Umeå University in Sweden found that*
13 *brominated fire retardants efficiently convert into dioxins and*
14 *furans when they combust after just seconds of delayed flame*
15 *ignition. Dioxins and furans have been designated by the National*
16 *Toxicology Program of the United States Department of Health*
17 *and Human Services as known human carcinogens and, in the*
18 *case of dioxins, contact with skin is a primary route of human*
19 *exposure.*

20 *(m) A 2006 study published in the Journal of Occupational and*
21 *Environmental Medicine found that firefighters have a probable*
22 *cancer risk for multiple myeloma, non-Hodgkin's lymphoma,*
23 *prostate cancer, and testicular cancer. Eight additional cancers*
24 *also were found to have a possible occupational link to firefighting.*
25 *The presence of carcinogenic chemical byproducts in soot and*
26 *smoke, such as dioxins and furans created when brominated fire*
27 *retardants burn, are considered the probable source of workplace*
28 *cancer risks for firefighters.*

29 *(n) On July 20, 2005, a Los Angeles County Fire Department*
30 *firefighter named Crystal Golden-Jefferson passed away from*
31 *workplace related non-Hodgkin's lymphoma. She was a single*
32 *mother and a dedicated paramedic firefighter with 19 years of*
33 *service to the people of Los Angeles County. While the cause of*
34 *Crystal Golden-Jefferson's cancer can not be definitively linked*
35 *to dioxin exposure, dioxins are known to cause non-Hodgkin's*
36 *lymphoma, and Crystal Golden-Jefferson was regularly exposed*
37 *to soot and smoke in her work.*

38 *(o) In naming this act, it is the intent of the Legislature to honor*
39 *Crystal Golden-Jefferson and other firefighters who, like her, have*
40 *lost their lives due to toxic chemical exposure and workplace*

1 *related cancers. Removing from furniture chemicals that convert*
2 *into carcinogenic dioxins and furans during fires can reduce work*
3 *place exposures and cancer risk for firefighters who bravely*
4 *sacrifice their lives so that others may live.*

5 *(p) With technologically and economically feasible alternatives*
6 *that provide equivalent or superior fire retardancy, it is not prudent*
7 *to continue to use BFRs and CFRs in furniture without a*
8 *comprehensive assessment of their impact. In order to protect*
9 *public health, worker and firefighter safety, wildlife, and the*
10 *environment, the Legislature finds that it is necessary to prohibit*
11 *the use of brominated and chlorinated fire retardants in furniture,*
12 *mattresses, and bedding until the safety of these fire retardants*
13 *can be demonstrated using prevailing national standards for*
14 *toxicity risk assessment.*

15 SEC. 3. Section 125.9 of the Business and Professions Code
16 is amended to read:

17 125.9. (a) Except with respect to persons regulated under
18 Chapter 11 (commencing with Section 7500), and Chapter 11.6
19 (commencing with Section 7590) of Division 3, any board, bureau,
20 or commission within the department, the board created by the
21 Chiropractic Initiative Act, and the Osteopathic Medical Board of
22 California, may establish, by regulation, a system for the issuance
23 to a licensee of a citation that may contain an order of abatement
24 or an order to pay an administrative fine assessed by the board,
25 bureau, or commission if the licensee is in violation of the
26 applicable licensing act or any regulation adopted pursuant thereto.

27 (b) The system shall contain the following provisions:

28 (1) Citations shall be in writing and shall describe with
29 particularity the nature of the violation, including specific reference
30 to the provision of law determined to have been violated.

31 (2) Whenever appropriate, the citation shall contain an order of
32 abatement fixing a reasonable time for abatement of the violation.

33 (3) ~~In-Except as provided in paragraph (4), in no event shall~~
34 ~~the administrative fine assessed by the board, bureau, or~~
35 ~~commission exceed five thousand dollars (\$5,000) for each~~
36 ~~inspection or each investigation made with respect to the violation,~~
37 ~~or five thousand dollars (\$5,000) for each violation or count if the~~
38 ~~violation involves fraudulent billing submitted to an insurance~~
39 ~~company, the Medi-Cal program, or Medicare, or if the violation~~
40 ~~involves fines assessed pursuant to Chapter 3 (commencing with~~

1 ~~Section 19000) of Division 8 and the total fine assessed for each~~
2 ~~inspection does not exceed twenty-five thousand dollars (\$25,000).~~
3 In assessing a fine, the board, bureau, or commission shall give
4 due consideration to the appropriateness of the amount of the fine
5 with respect to factors such as the gravity of the violation, the good
6 faith of the licensee, and the history of previous violations.

7 *(4) In the case of any violation pursuant to Chapter 3*
8 *(commencing with Section 19000) of Division 8, in no event shall*
9 *the administrative fine assessed by the bureau exceed twenty-five*
10 *thousand dollars (\$25,000) for each inspection or each*
11 *investigation made with respect to the violation, or five thousand*
12 *dollars (\$5,000) for each violation or count. In assessing a fine,*
13 *the bureau shall give due consideration to the appropriateness of*
14 *the amount of the fine with respect to factors such as the gravity*
15 *of the violation, the good faith of the licensee, and any history of*
16 *previous violations.*

17 ~~(4)~~

18 (5) A citation or fine assessment issued pursuant to a citation
19 shall inform the licensee that if he or she desires a hearing to
20 contest the finding of a violation, that hearing shall be requested
21 by written notice to the board, bureau, or commission within 30
22 days of the date of issuance of the citation or assessment. If a
23 hearing is not requested pursuant to this section, payment of any
24 fine shall not constitute an admission of the violation charged.
25 Hearings shall be held pursuant to Chapter 5 (commencing with
26 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
27 Code.

28 ~~(5)~~

29 (6) Failure of a licensee to pay a fine within 30 days of the date
30 of assessment, unless the citation is being appealed, may result in
31 disciplinary action being taken by the board, bureau, or
32 commission. If a citation is not contested and a fine is not paid,
33 the full amount of the assessed fine shall be added to the fee for
34 renewal of the license. A license shall not be renewed without
35 payment of the renewal fee and fine.

36 (c) The system may contain the following provisions:

37 (1) A citation may be issued without the assessment of an
38 administrative fine.

39 (2) Assessment of administrative fines may be limited to only
40 particular violations of the applicable licensing act.

1 (d) Notwithstanding any other provision of law, if a fine is paid
2 to satisfy an assessment based on the finding of a violation,
3 payment of the fine shall be represented as satisfactory resolution
4 of the matter for purposes of public disclosure.

5 (e) Administrative fines collected pursuant to this section shall
6 be deposited in the special fund of the particular board, bureau, or
7 commission.

8 SEC. 4. Section 19161 of the Business and Professions Code,
9 as added by Section 14 of Chapter 760 of the Statutes of 2006, is
10 amended to read:

11 19161. (a) All mattresses and mattress sets manufactured for
12 sale in this state shall be fire retardant. "Fire retardant," as used in
13 this section, means a product that meets the standards for resistance
14 to open-flame test adopted by the United States Consumer Product
15 Safety Commission and set forth in Part 1633 of Title 16 of the
16 Code of Federal Regulations. The bureau may adopt regulations
17 it deems necessary to implement those standards.

18 (b) All other bedding products that the bureau determines
19 contribute to mattress bedding fires shall comply with regulations
20 adopted by the bureau specifying that those products be resistant
21 to open-flame ignition, except in the case that the bureau finds that
22 resistance to open-flame ignition cannot be achieved without using
23 components or chemicals prohibited pursuant to Section 19161.7.

24 (c) All seating furniture sold or offered for sale by an importer,
25 manufacturer, or wholesaler for use in this state, including any
26 seating furniture sold to or offered for sale for use in a hotel, motel,
27 or other place of public accommodation in this state, and
28 reupholstered furniture to which filling materials are added, shall
29 comply with the regulations adopted by the bureau specifying the
30 degree of fire or flame retardance, shall be labeled in a manner
31 specified by the bureau, and shall comply with Section 108931 of
32 the Health and Safety Code. This does not include furniture used
33 exclusively for the purpose of physical fitness and exercise.

34 (d) Regulations adopted by the bureau for other bedding
35 products shall not apply to any hotel, motel, bed and breakfast,
36 inn, or similar transient lodging establishment that has an automatic
37 fire extinguishing system that conforms to the specifications
38 established in Section 904.1 of Title 24 of the California Code of
39 Regulations.

1 SEC. 5. Section 19161.3 of the Business and Professions Code
2 is amended to read:

3 19161.3. All flexible polyurethane foam in the form of slabs,
4 blocks, or sheets, or which is shredded (loose or packaged), except
5 polyurethane foam sold for use as carpet underlayment and
6 polyurethane foam which cannot reasonably be expected to be
7 used in or as an article of furniture or a mattress, that is offered
8 for sale to the general public at retail outlets in this state for
9 noncommercial or nonmanufacturing purposes, shall comply with
10 the regulations adopted by the bureau specifying the degree of fire
11 or flame retardance.

12 SEC. 6. Section 19161.7 is added to the Business and
13 Professions Code, to read:

14 19161.7. (a) The following definitions shall apply for purposes
15 of this section:

16 (1) "Brominated fire retardant" means an organobromine
17 chemical or organobromide used as a fire or flame retardant. It
18 does not include inherently fire or flame resistant fiber used in
19 seating furniture, mattresses, or other bedding products.

20 (2) "Chlorinated fire retardant" means an organochlorine
21 chemical or organochloride used as a fire or flame retardant. It
22 does not include inherently fire or flame resistant fiber used in
23 seating furniture, mattresses, or other bedding products.

24 (3) "Inherently fire or flame resistant fiber" means a polymeric
25 fiber or mixture of polymeric fibers, where one or more fibers is
26 comprised of a polymer with covalently attached fire retarding
27 chemical groups built directly into the molecular structure of some
28 or all of the repeating structural units. Nothing in this definition
29 shall be construed to limit the authority of the bureau to prohibit
30 the use of components or chemicals pursuant to subdivision (f).

31 (b) Commencing January 1, 2010, all seating furniture,
32 mattresses, box springs, mattress sets, futons, and other bedding
33 products including, but not limited to, pillows, comforters, other
34 filled blanket products, and sleeping bags that are sold or offered
35 for sale by an importer, manufacturer, or wholesaler for use in this
36 state, including any seating furniture, mattresses, box springs,
37 mattress sets, futons, and other bedding products including, but
38 not limited to, pillows, comforters, other filled blanket products,
39 and sleeping bags sold to or offered for sale for use in a hotel,
40 motel, or other place of public accommodation in this state, and

1 reupholstered furniture to which filling materials are added, shall
2 comply with the following:

3 (1) Shall not contain brominated fire retardants or chlorinated
4 fire retardants, *unless the bureau has issued an exemption from*
5 *prohibition pursuant to subdivision (h) for the brominated fire*
6 *retardant or chlorinated fire retardant.*

7 (2) Shall be labeled with a permanent label attachment in a
8 manner specified by the ~~Bureau of Home Furnishings and Thermal~~
9 ~~Insulation~~ bureau.

10 (c) All permanent label attachments required pursuant to
11 subdivision (b) shall comply with the following:

12 (1) Use plain language understandable to consumers, and in
13 sufficient size as to be readily visible and legible.

14 (2) Include the following statement, “DOES NOT CONTAIN
15 BROMINATED OR CHLORINATED FIRE-RETARDANTS.”
16 *RETARDANTS,” except in the case of a product that contains a*
17 *brominated fire retardant or a chlorinated fire retardant for which*
18 *the bureau has issued an exemption from prohibition pursuant to*
19 *subdivision (h).*

20 (3) Include other markings or language specified by the ~~Bureau~~
21 ~~of Home Furnishings and Thermal Insulation~~ bureau.

22 (d) By January 1, 2010, the ~~Bureau of Home Furnishings and~~
23 ~~Thermal Insulation~~ bureau shall modify Technical Bulletins 116
24 and 117 with product standards for furniture that shall achieve fire
25 retardancy properties ~~comparable~~ *equivalent* to existing standards,
26 sufficient to protect human health and safety, but without the use
27 of brominated fire retardants and chlorinated fire retardants and
28 without significant increases in costs to the consumer.

29 (e) (1) The Office of Environmental Health Hazard Assessment
30 shall review human, animal, or environmental health risk
31 assessments of a component or chemical used to meet fire
32 retardancy standards set by the bureau if all of the following
33 conditions are met:

34 (A) The chief of the bureau has submitted a request for a risk
35 assessment or an interested person has submitted a petition for a
36 risk assessment pursuant to paragraph (4).

37 (B) The office has determined in its discretion that a risk
38 assessment shall be pursued.

39 (C) The person responsible for the manufacture of the
40 component or chemical has entered into an enforceable agreement

1 with the office to fully reimburse the office for all of the costs
2 associated with coordination and evidentiary review of the risk
3 assessment.

4 (2) Within 90 days of receipt of a request or petition, the office
5 shall notify the requester or petitioner whether the office will seek
6 an enforceable agreement with the person responsible for
7 manufacture of the component or chemical used to meet fire
8 retardancy standards set by the bureau.

9 (3) The bureau may use fines collected for violations of this
10 chapter to reimburse the office for the actual costs associated with
11 determining if a risk assessment requested by the chief of the
12 bureau will be pursued. All other costs related to the risk
13 assessment shall be reimbursed by the person responsible for
14 manufacture pursuant to paragraph (5).

15 (4) A petition for risk assessment may be submitted to the office
16 by any interested person. The petition shall include the name and
17 manufacturer of the component or chemical used to meet fire
18 retardancy standards set by the bureau, and may include relevant
19 comments, data, studies, or other written information documenting
20 the risk to human, animal, or environmental health. The office may
21 charge a fee set by the office, not to exceed one thousand dollars
22 (\$1,000), to be paid by the petitioner for the actual costs associated
23 with determining if the risk assessment will be pursued. All other
24 costs related to the risk assessment shall be reimbursed by the
25 person responsible for manufacture pursuant to paragraph (5).

26 (5) If the office determines that a risk assessment shall be
27 pursued, the office shall send the person responsible for
28 manufacture of the component or chemical a request for risk
29 assessment, requesting evidence of safety to human, animal, or
30 environmental health, specifying endpoint concerns for the intended
31 use to be addressed, setting a due date for when the risk assessment
32 shall be completed, and stating the estimated cost to be reimbursed
33 to the state for evidentiary review of the risk assessment. Within
34 90 days of the date of receipt of the request for risk assessment,
35 the person responsible for manufacture shall enter into an
36 enforceable agreement with the office to fully reimburse the office
37 for all the costs associated with coordinating and reviewing the
38 risk assessment. Failure by the person responsible for manufacture
39 to enter into an enforceable agreement with the office shall result
40 in the prohibition of use of the component or chemical in products

1 under the jurisdiction of the bureau. The office shall issue a failure
2 to comply letter to the person responsible for manufacture and
3 shall notify the bureau. The bureau shall determine through
4 regulation the date at which the resulting prohibition of use shall
5 be effective, except that the date shall not exceed two years from
6 the issuance of the failure to comply letter from the office.

7 *(6) Each risk assessment shall be completed using prevailing*
8 *national standards for risk assessments and shall be based on*
9 *scientifically valid studies conducted according to prevailing*
10 *national standards as determined by the office prior to*
11 *commencement of the risk assessment.*

12 ~~(6)~~
13 (7) Upon the receipt of the risk assessment from the person
14 responsible for manufacture, the office shall review the risk
15 assessment and may request additional evidence of safety related
16 to the endpoint concern for the intended use identified in the
17 request for risk assessment.

18 ~~(7)~~
19 (8) The office shall, upon the signing of an enforceable
20 agreement with a person responsible for manufacture as provided
21 by this section, electronically post on its Internet Web site a notice
22 that a risk assessment has been initiated. The notice shall respect
23 proprietary concerns of the person responsible for manufacture
24 and shall include both of the following:

25 (A) A brief description, or a bibliography, of the technical
26 documents or other information the office has identified to date
27 as relevant to the preparation of the risk assessment.

28 (B) A statement to inform persons who wish to submit
29 information concerning the component or chemical that is the
30 subject of the risk assessment of the name and address of the person
31 in the office to whom the information may be sent, the date by
32 which the information must be received in order for the office to
33 consider it in the review of the risk assessment, and that all
34 information submitted will be made available to any member of
35 the public who requests it.

36 ~~(8)~~
37 (9) Upon completion of the review of the risk assessment, the
38 office shall do all of the following:

1 (A) Provide a report to the bureau of its conclusions and
2 recommendations regarding the risk to human, animal, or
3 environmental health.

4 (B) Include its recommendation of a level of exposure with no
5 significant risk to public health based on probable usage.

6 (C) Electronically post the report or a redacted version of the
7 report respecting proprietary concerns of the person responsible
8 for manufacture.

9 ~~(9)~~

10 (10) If the office finds in its review of the risk assessment that
11 currently available scientific data are insufficient to determine a
12 safe level of exposure to the component or chemical at which there
13 is no significant risk to human, animal, or environmental health
14 based on probable usage, the office shall recommend to the bureau
15 a level of exposure that is expected to protect public health. This
16 level shall be based exclusively on health considerations and shall
17 be determined, to the extent scientific data are available, using the
18 most current principles, practices, and methods used by public
19 health professionals who are experienced practitioners in the fields
20 of epidemiology, risk assessment, toxicology, and exposure
21 assessment. The office may recommend a level of exposure of
22 zero if necessary to satisfy the requirements of this section.

23 (f) The Bureau of Home Furnishings and Thermal Insulation,
24 in consultation with the California Office of Environmental Health
25 Hazard Assessment, may adopt regulations that protect human
26 health and safety, and the environment, and ~~may prohibit~~ in
27 products under its jurisdiction *may prohibit or limit* the use of
28 components or chemicals for which the safety to human ~~or animal,~~
29 *animal, or environmental* health cannot be clearly established.

30 (g) Upon receipt of the office's report on its review of a risk
31 assessment of a component or chemical used to meet the fire
32 retardancy standards of the bureau, the bureau shall determine if
33 the risk to human, animal, or environmental health warrants a
34 prohibition or limitation of the use of a component or chemical in
35 products under the jurisdiction of the bureau *pursuant to*
36 *subdivision (f)*. In making this determination the bureau shall
37 consider all of the following:

38 (1) The best available evidence of the degree of fire safety
39 achieved and the number of burn injuries or fatalities that may be
40 prevented by the use of the component or chemical.

1 (2) The safe levels of exposure to the component or chemical
2 based on probable usage recommended by the office's report on
3 the risk assessment.

4 (3) The human, animal, or environmental health impacts
5 identified by the office report of a lifetime daily exposure to the
6 component or chemical.

7 (4) The availability of alternatives for the component or
8 chemical in the products under the jurisdiction of the bureau.

9 (5) The efficacy of other means to reduce burn injuries or
10 fatalities including, but not limited to, furniture construction
11 standards, existing or expanded limitations on ignition sources,
12 reduction of fuel load, existing or improved electrical or building
13 materials and building standards, and expanded use of fire safety
14 equipment, including sprinkler systems, smoke detectors, and other
15 technologies that might extinguish or warn of the presence of fire.

16 *(h) The chief of the bureau may submit a request for risk*
17 *assessment, or any interested person may utilize the petition for*
18 *risk assessment, for the purpose of reconsideration of a prohibition*
19 *from use or a limitation in use of a component or chemical*
20 *pursuant to paragraph (1) of subdivision (b) or subdivision (f),*
21 *based on evidence of safety. All provisions of subdivision (e) shall*
22 *apply to a risk assessment for the purpose of reconsideration. If*
23 *the office determines in its report to the bureau that a risk*
24 *assessment demonstrates that the prohibited or use-limited*
25 *component or chemical, in its manufacture, handling, probable*
26 *use, and disposal, is safe to human, animal, and environmental*
27 *health, the bureau may issue to the person responsible for*
28 *manufacture an exemption from prohibition or an exemption from*
29 *limited use.*

30 SEC. 7. The provisions of this act are severable. If any
31 provision of this act or its application is held invalid, that invalidity
32 shall not affect other provisions or applications that can be given
33 effect without the invalid provision or application.